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APPENDIX A.

Emergency Price Control Act Section 205 (e)
As Amended.

(e) If any person selling a commodity violates a regulation, order, or price schedule prescribing a maximum price or maximum prices, the person who buys such commodity for use or consumption other than in the course of trade or business may, within one year from the date of the occurrence of the violation, except as hereinafter provided, bring an action against the seller on account of the overcharge. In such action, the seller shall be liable for reasonable attorney's fees and costs as determined by the court, plus whichever of the following sums is the greater: (1) Such amount not more than three times the amount of the overcharge, or the overcharges, upon which the action is based as the court in its discretion may determine, or (2) An amount not less than \$25 nor more than \$50, as the court in its discretion may determine: Provided, however, That such amount shall be the amount of the overcharge or overcharges, or \$25, whichever is greater, if the defendant proves that the violation of the regulation, order, or price schedule in question was neither willful nor the result of failure to take practicable precautions against the occurrence of the violation. For the purposes of this section the payment or receipt of rent for defense-area housing accommodations shall be deemed the buying or selling of a commodity, as the case may be; and the word "overcharge" shall mean the amount by which the consideration exceeds the applicable maximum price. If any person selling a commodity violates a regulation, order, or price schedule prescribing a maximum

price or maximum prices, and the buyer either fails to institute an action under this subsection within thirty days from the date of the occurrence of the violation or is not entitled for any reason to bring the action, the Administrator may institute such action on behalf of the United States within such one-year period. If such action is instituted by the Administrator, the buyer shall thereafter be barred from bringing an action for the same violation or violations. Any action under this subsection by either the buyer or the Administrator, as the case may be, may be brought in any court of competent jurisdiction. A judgment in an action for damages under this subsection shall be a bar to the recovery under this subsection of any damages in any other action against the same seller on account of sales made to the same purchaser prior to the institution of the action in which such judgment was rendered.

APPENDIX B.

MPR 94.

The pertinent provisions of MPR 94 are as follows:

"§ 1381.501 *Sales of Western pine and associated species of lumber at higher than maximum prices prohibited.* (a) On and after December 29, 1942, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any Western pine and associated species of lumber for direct-mill shipment at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer or attempt to do any of these things. Maximum f. o. b. mill prices are set forth in Appendices A to H.

"(b) Prices lower than the maximum prices may, of course, be charged and paid.

"§ 1381.506 *Prohibited practices*—(a) General. * * *

"(b) *Specific practices.* The following are among the specific practices prohibited:

. . .

"(3) Selling as specified lengths or widths a shipment of lumber which is substantially equivalent to random lengths or widths; or re-selling as specified lengths or widths a shipment bought by the seller as random lengths or widths.

. . .

"(d) *Combination grades.* Lumber sold on combination grades may not be sold at above the maximum price for

the lowest grade actually named in the combination. For example the maximum price for No. 2 common and better is that set for No. 2 common. Of course the amount of the different grades included can be quoted and shown separately on the invoice at the individual prices for those grades. Also, it is permissible to sell on the basis of a stated percentage of better grades, such as No. 2 with 15% No. 1. In this case the price of 15% of the footage may be the No. 1 price if the invoice shows that the footage tally of the lumber actually shipped runs at least 15% No. 1. It is also permissible to quote a grade at that grade's price, with higher grades developing to be included at the grade differential. For example, when a seller quotes No. 2 at the No. 2 price, with No. 1 developing to be included at the No. 1 price, this is proper, since no actual dollars-and-cents quotation above the No. 2 price is made. Again, the final price must be based on actual tally. Note, however, that it is a violation to insist on the buyer's taking grades he does not want in order to get the grade he does want."

APPENDIX C.

MPR 458.

The pertinent provisions of MPR 458 are as follows:

Article I—Scope of the Regulation

SECTION 1. *Prices higher than ceiling prohibited.* (a) On and after August 28, 1943, regardless of any contract or other obligation, no person shall sell or deliver and no person shall buy or receive in the course of trade or business, any oak flooring for direct-mill shipment at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

SEC. 2. *What products, transactions, and persons are covered.* This regulation covers all direct-mill sales of standard grades and victory grade of oak flooring, graded as such under the effective Grading Rules of the National Oak Flooring Manufacturers' Association, and also prefinished oak flooring. For the purposes of the regulation, prefinished oak flooring means oak flooring that has been sanded, filled, waxed, and pressure-rubbed to form a finished product ready for immediate use after installation. The regulation applies regardless of the kind of mill or plant in which the flooring is produced, and regardless of whether the particular item is specifically priced in the price tables or not. Any person who makes a sale of this kind, for himself or others, is subject to this regulation.